

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**RAFIQ JONES,**

CASE NO. 1:19 CV 159

Petitioner,

v.

JUDGE JAMES R. KNEPP II

**DAVID W. GRAY, WARDEN,**

**MEMORANDUM OPINION AND  
ORDER**

Respondent.

This matter is before the Court on Magistrate Judge Darrell A. Clay's Report and Recommendation ("R&R") to overrule each ground in Petitioner Rafiq Jones's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254, and deny and dismiss the Petition in its entirety. (Doc. 13). Specifically, Judge Clay recommends Ground One be denied on the merits, Ground Two be denied as non-cognizable, Ground Three be denied as non-cognizable, Ground Two be denied on the merits, Ground Three be denied in part as waived, and in part as procedurally defaulted, and Ground Four be denied as procedurally defaulted, and Ground Five be denied on the merits. *See id.* at 8-18.

Under the relevant statute:

Within fourteen days of being served with a copy [of a Magistrate Judge's R&R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(2). The failure to file timely written objections to a Magistrate Judge's R&R constitutes a waiver of *de novo* review by the district court

of any issues covered in the R&R. *Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

In this case, the R&R was issued on July 27, 2021, and it is now August 30, 2021. Petitioner has neither filed objections nor requested an extension of time to file them. Despite the lack of objections, the Court has reviewed Judge Clay's R&R, and agrees with the findings and recommended rulings therein. Therefore, the Court ADOPTS Judge Clay's R&R (Doc. 13) as the Order of this Court, and DENIES and DISMISSES Petitioner's Petition (Doc. 1) as set forth therein.

The Court finds an appeal from this decision could not be taken in good faith. 28 U.S.C. § 1915(a)(3). Further, because Petitioner has not made a substantial showing of a denial of a constitutional right directly related to his conviction or custody, the Court declines to issue a certificate of appealability. 28 U.S.C. § 2253(c)(2); FED. R. APP. P. 22(b); Rule 11 of Rules Governing § 2254 Cases.

IT IS SO ORDERED.

s/ James R. Knepp II  
UNITED STATES DISTRICT JUDGE